

II. REMARKS

A. Status

Claims 1-12 are currently pending in the Application.

Claims 1-2, 4-5, 7 and 10-12 were rejected under 35 U.S.C. §103(a) as being obvious over Komoda et al. (U.S. Patent No. 6,701,063, hereinafter “Komoda”), Kikuchi et al. (U.S. Patent No. 6,553,180, hereinafter “Kikuchi”), and Ebisawa et al. (U.S. Patent No. 5,166,806, hereinafter “Ebisawa”). Office Action at 2-10. Claims 3, 6, and 8-9 were rejected under 35 U.S.C. §103(a) as being obvious over Komoda, Kikuchi, and Ebisawa as discussed in claims 1-2, 4-5, 7, and 10-12 above, and further in view of Ohara et al. (U.S. Patent No. 5,554,137, hereinafter “Ohara”). Office Action at 10-12.

No claims have been amended because Applicant believes none are necessary to overcome the prior art.

B. Claims Are Not Obvious

1. Claims 1-2, 4-5, 7 and 10-12 Are Not Obvious

Claims 1-2, 4-5, 7 and 10-12 were rejected under 35 U.S.C. §103(a) as being obvious over Komoda, Kikuchi, and Ebisawa. Office Action at 2-10. The rejection is respectfully traversed for the following reasons.

New references, Ebisawa and Ohara, have been cited. It can be assumed, then, that Applicant’s preceding counter argument is admitted and the new references have been cited for rejecting the newly amended portion. However, even considering the newly cited references, the characteristic of independent claims 1, 4, 7, and 10 added by the preceding amendment is not disclosed at all.

One characteristic of independent claims 1, 4, 7, and 10 resides in changing processing to generate and to record thumbnail data in association with the recoding of the image in accordance with the determined type of optical disk medium. This characteristic is not disclosed in Ebisawa.

First, Ebisawa discloses a reproducing apparatus. Ebisawa at Abstract. The present claims disclose a *recording apparatus*.

Second, Ebisawa discloses storing a video signal of plurality of resolutions on a single disk, and single laser is utilized for reading out a plurality of resolution of video signals simultaneously and to separate the signals to reproduce, afterwards. *Id.* at Abstract. Ebisawa only discloses that three kinds of disks (such as NTSC disk, MUSE disk and HDTV disk) can be *reproduced*. There is no disclosure concerned with recording at all.

Hence, Ebisawa does not disclose the characteristic of the independent claims and so the combination of the cited references cannot render the claims obvious.

2. Claims 3, 6, and 8-9 Are Not Obvious

Claims 3, 6, and 8-9 were rejected under 35 U.S.C. §103(a) as being obvious over Komoda, Kikuchi, and Ebisawa as discussed in claims 1-2, 4-5, 7, and 10-12 above, and further in view of Ohara. Office Action at 10-12. The rejection is respectfully traversed for the following reasons.

Of course, a dependent claim cannot be obvious if the independent claim from which it depends is not obvious. As discussed above, Applicant respectfully submits that claims 1, 4, and 7 are not obvious. Claim 3 depends from claim 1; claim 6 depends from claim 4; and claims 8-9 depend from claim 7. Therefore, claims 3, 6, and 8-9 are also not obvious.

However, even if Ohara is considered, the characteristic is not disclosed in the cited reference, Ohara. Ohara discloses technology in which optimal recording;/reproducing physical characteristic both in read only (ROM) disk and writable disk. Ohara at Abstract.

In practical, there is disclosed to change physical characteristics such as laser power, pulse width and spot diameter optimum for each disk.

As to recording data, because there is nothing disclosed in Ohara, especially thumbnail data, the unique characteristic of this invention of "change processing to generate and to record thumbnail data in association with the recoding of the image in accordance with the determined type of optical disk medium" is not disclosed.

II. CONCLUSION

In conclusion, Applicant respectfully submits that claims 1-12 are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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